

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES REECE,)	
)	
Plaintiff,)	No. 3:11-cv-01122
)	Judge Haynes
v.)	
)	
L. RAY WHITLEY, et al.,)	
)	
Defendants.)	

O R D E R

Before the Court are the Plaintiff's motion for leave to file Docket No. 15 and affidavit (Docket No. 18) and a Notice of Appeal (Docket No. 22).

The Plaintiff's motion for reconsideration (Docket No. 15) already has been docketed and adjudicated by the Court. Thus, the Plaintiff's motion to file Docket No. 15 (Docket No. 18) is **DENIED AS MOOT.**

The Plaintiff now seeks to appeal (Docket No. 22) the Court's Order of January 17, 2012 (Docket No. 16) denying the Plaintiff's motion for reconsideration (Docket No. 15) of the Court's order and memorandum entered on November 22, 2011, dismissing the Plaintiff's claims against Defendants State of Tennessee, Dee D. Gay, Tom E. Gray, C.L. "Buck" Rogers, James Hunter, John Gwin, Ray L. Whitley, Tara Wiley, William Lambert, and Lytle A. James (Docket Nos. 10 and 11).¹

To prosecute a civil appeal, a plaintiff must file a timely notice of appeal accompanied by either the full appellate filing fee or an application to proceed *in forma pauperis* in lieu thereof. 28 U.S.C. § 1915(a)(1). Although the Plaintiff has not submitted the required appellate filing fee or

¹In the same order (Docket No. 11), the Court granted the Plaintiff's application to proceed as a pauper and determined that, notwithstanding the Plaintiff's claims against the Defendants above, the complaint stated at least one non-frivolous claim. (*Id.*)

an application to proceed *in forma pauperis* on appeal, the Plaintiff states in a recent letter to the Court (Docket No. 24) that he will be filing an application to proceed *in forma pauperis* within fourteen days of his letter. If the Plaintiff wishes to appeal, the Plaintiff shall submit to the Clerk of Court within 30 days from the date of entry of this order, either the full appellate filing fee of four hundred fifty-five dollars (\$455.00) or an application to proceed *in forma pauperis* in lieu thereof. If the entire filing fee is not paid or the appropriate indigency papers are not filed within the designated 30-day period, the Court of Appeals may dismiss the appeal under Rule 3(a), Fed. R. App. P. for failure to prosecute.

An extension of time to pay the appellate filing fee, or to file the appropriate documentation for pauper status, may be requested from this court if filed within 30 days from the date of entry of this order. *Floyd v. United States Postal Service*, 105 F.3d 274, 279 (6th Cir. 1997), *superceded on other grounds by* Rule 24, Fed. R. App. P.

The Clerk is directed to forward a copy of this Order to the Clerk of Court for the Sixth Circuit Court of Appeals.

It is so ORDERED.

ENTERED this the 24th day of February, 2012.



William J. Haynes, Jr.
United States District Judge